

**REMARKS**

Claims 32-92 are pending in the application.

Claims 32-92 have been rejected.

Claim 59 has been amended to conform with prior amendments to Claims 32 and 46.

**Double Patenting Rejection**

Claims 32-92 stand rejected under a non-statutory double patenting rejection in light of U.S. Patent Number 6,377,577. This rejection is a reiteration of a rejection in the previous Office Action in this matter, dated March 29, 2004. In response to that rejection, Applicants intended to file a Terminal Disclaimer but as the present Office Action indicates, no Terminal Disclaimer was previously sent.

Applicants apologize to the Examiner for the error in failing to send the Terminal Disclaimer in conjunction with the response to the previous Office Action. Accompanying the present response is a Terminal Disclaimer pursuant to 37 C.F.R. § 1.32 (c) to overcome the double patenting rejection. Applicants therefore respectfully request the Examiner's reconsideration of the double patenting rejection.

**Rejection of Claims Under 35 U.S.C. § 102(a)**

Claims 32-89 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Alessandri ("Access Control List Processing In Hardware," Diploma Thesis, pp. 1-85, October 1997). This rejection is a reiteration of a rejection in the previous Office Action to which Applicants responded with a Declaration from Application Serial No.

09/108,071 (the parent to the present application). Applicants note that the Declaration sent in response to the previous Office Action was sent in error and was not the intended 37 C.F.R. § 1.131 Declaration from the parent application that is responsive to the present rejection. To remedy this error, accompanying this response is a copy of the declaration of prior invention in the United States pursuant to 37 C.F.R. § 1.131 to overcome the cited reference as submitted in Application Serial No. 09/108,071. As detailed in the Declaration of Prior Invention, Applicants conceived the concepts presented in the cited reference prior to October 1997. The Declaration further states that Dominique Alessandri was an intern at Cisco Systems, Inc., an entity related to the Assignee of the present invention, Cisco Technology, Inc. During Alessandri's term at Cisco Systems, Inc., he was supervised by David Cheriton, one of the inventors of the present invention.

The Examiner states that "Applicants ought to file a separate 37 C.F.R. § 1.131 from the parent case in order to overcome the applied art, not the parent application's Declaration." While Applicants believe that the Office Action may be referring to the incorrectly filed Declaration from the parent application and not in general to resubmitting 37 C.F.R. § 1.131 declarations from a parent, Applicants respectfully refer the Examiner to MPEP 201.06(c) at Section IX wherein it states "[w]here it is desired to rely on an earlier filed affidavit or declaration, the applicant should make such remarks of record in the 37 C.F.R. 1.53(b) application and include a copy of the original affidavit or Declaration filed in the prior nonprovisional application." Therefore, Applicants respectfully submit that by submitting the prior 37 C.F.R. 1.131 Declaration herewith, that Declaration is now of record in the present application.

For the above reason, Applicants respectfully submit that the Alessandri reference is not appropriate prior art in light of the submitted declaration and therefore Claims 32-

89 are therefore allowable over that reference. Applicants therefore respectfully request the Examiner's reconsideration of the rejection of these claims.

*Rejection of Claims Under 35 U.S.C. § 102(b)*

Claims 32-43, 45-70, 72, and 90-92 stand rejected under 35 U.S.C. § 102(b) as being anticipated by McAuley et al. (Fast Routing Table Lookup Using CAMs, Bellcore, pages 1-10, 1993) ("the McAuley reference"). Applicants respectfully traverse the rejection of these claims.

Claim 32 as amended in response to the previous Office Action contains a limitation as follows:

Selecting a highest priority match based on a type of an access control specifier of the highest priority match, wherein the type of the access control specifier of the highest priority match is related to an element of a packet header to which the access control specifier of the highest priority match is responsive.

The Office Action references page 7, left column, second paragraph and page 9, left column, first paragraph of the McAuley reference as disclosing this limitation. But the McAuley reference does not disclose selecting a highest priority match based on a type of an access control specifier of the highest priority match, as required by the claim.

The prioritization scheme disclosed by the McAuley reference sets priority "proportional to the depth in the hierarchy of the CAMs rather than masks". McAuley reference, p. 9. The McAuley reference makes no disclosure of selecting a highest priority match based on a type of access control specifier, as required by the claims. Instead, the prioritization scheme is essentially the same as the scheme used to derive a level of match used by the "match prioritizer" of the McAuley reference, as disclosed on page 7 of the McAuley reference. *See* McAuley reference, p. 9 ("The technique [for the

prioritizing scheme] is almost identical to method B3, except that the logical CAMs are split by priority (proportional to the depth in the hierarchy) rather than masks.”).

Additionally, the McAuley reference does not disclose that “the type of the access control specifier of the highest priority match is related to an element of a packet header to which the access control specifier of the highest priority match is responsive,” as required by the claim. The McAuley reference does not disclose an access control specifier that is “related to” an element of a packet header.

In light of the above arguments, Applicants respectfully submit that Claim 32 and those claims depending from that claim are allowable over the McAuley reference. Further, Applicants respectfully submit that Claims 46 and Claim 59 (as amended), and claims depending upon those claims, contain a limitation similar to that described for Claim 32 and that for the same reasons, those claims are allowable as written. Applicants therefore respectfully request the Examiner’s reconsideration of the rejection.

Claim 90 also stands rejected under 35 U.S.C. § 102(b) in light of the McAuley reference. Applicants respectfully submit that the McAuley reference does not include all the limitations of Claim 90.

Claim 90 includes a limitation that “wherein said matching step is performed in parallel with said determining step.” Applicants respectfully submit that the McAuley reference does not disclose a matching step being performed in parallel with a determining step. The Office Action cites Figure 3 of the McAuley reference and the match prioritizer therein as disclosing the matching and determining steps. Applicants respectfully submit that a determining step is not performed by the AND gates illustrated in Figure 3. Applicants submit that the AND gates only select among the CAMs that

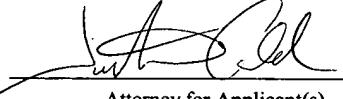
perform the matching, but the AND gates do not determine a selected output interface for the packet as required by the Claim. Applicants further submit that even should the reference be interpreted that a determining step is taught by Figure 3, such a determining step is clearly performed after that which the Office Action contends teaches the matching (e.g., the CAMs illustrated in Figure 3). Applicants submit that the flow of the process illustrated in Figure 3 will not result in the matching being performed by the CAMs occurring in parallel with action taken by the AND gates. The illustration clearly shows that actions taken by the AND gates will occur after actions performed by the CAMs.

For the above reasons, Applicants respectfully submit that Claim 90 is allowable as written and therefore respectfully request the Examiner's reconsideration of the rejection thereto.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

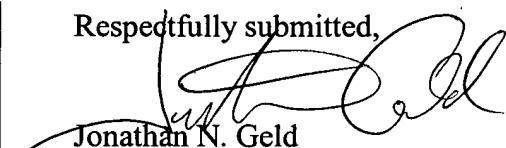
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on January 18, 2005.



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1/18/2005  
Date of Signature

Respectfully submitted,



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